

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
SANTOS D RIVAS GARCIA
SARA RIVAS

CASE NO: BKS-16-16487-LED

CHAPTER 13

Hearing Date:

Hearing Time: 1:30 PM

CAPITAL LEGAL GROUP
Attorney for the Debtor

**SUPPLEMENTAL TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Chapter 13 Bankruptcy Trustee, RICK A YARNALL, TRUSTEE, hereby objects to confirmation of the Chapter 13 Plan. The Debtors filed for Chapter 13 relief on 12/5/2016. The 341(a) Meeting of Creditors held on 2/14/2017 at 11:00 a.m. was continued. The Trustee objects to confirmation of the plan for the following reason:

● Debtors failed to commence making timely payments under § 1326. Trustee requests that this case be dismissed pursuant to § 1307(c)(4).

In order to complete his investigation into the Debtors' financial affairs, Trustee requires the following documentation:

- Form B21 and the Declaration re: Electronic Filing of Petition with original signatures;
- Verification of all sources of income received each month through confirmation of the plan;
- Evidence that vehicle payments are current;
- Evidence that mortgage payments are current;
- Paystubs: June thru November
- Bank Statements: June thru December 5th
- Complete Copy of the Following Tax Returns: 2012-2016
- Copy of Rental Agreement

- 1 • Other: Copy of W2(s) and/or any documentation to be utilized to calculate income for 2016 tax return.
- 2 • Other: Provide profit and loss statements on all rental properties from June thru November, and thereafter each
- 3 month until plan is confirmed
- 4 • Other: provide valuation on all real properties.

5 Trustee asks that this Court allow him to supplement this opposition after all required documents have been
6 provided to the Trustee. In the event that the documents are not provided, Trustee requests that the case be dismissed
7 pursuant to § 521(a)(3).

8 Trustee requests that the following amendments are made:

- 9 • Schedule I to include all sources of income;
- 10 • Schedule J remove dependent's name; remove mortgage expenses as mortgages must be paid thru plan;
- 11 • The Statement of Financial Affairs #5: include all rental income received;

12 These objections increase the Debtor's disposable income. Debtor's plan does not provide for all of Debtor's
disposable income, therefore Trustee requests that confirmation of the plan be denied.

13 Trustee further opposes confirmation for the following reasons:

- 14 • Pursuant to Administrative Order 2013-04 monthly mortgage obligations must be paid through the chapter 13 trustee
- 15 as conduit payments;
- 16 • Other: Plan is not on Trustee's standard format
- 17 • Other: Attorney's fees do not match 2016(b) statement.

1 Trustee reserves the right to make further objections to confirmation and requests for documentation until the above
2 mentioned documents have been received, amendments have been made, and the plan is ultimately confirmed or
3 dismissed. In the event that the Debtor(s) fail to timely resolve Trustee's objection to confirmation, Trustee requests that
4 confirmation be denied and the case be dismissed.

5 Therefore, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed.

6 DATED this 14th day of February, 2017.

7
8 /s/ Rick A. Yarnall

9 RICK A. YARNALL

10 Chapter 13 Bankruptcy Trustee

11 701 Bridger Ave, Suite 820

12 Las Vegas, Nevada 89101

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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the
16 age of 18 years; and that on the 14th day of February, 2017, I provided a copy of the Trustee's Opposition to
17 Confirmation of Plan Combined With Trustee's Recommendation for Dismissal and Certificate of Service to each of
18

19 [x] a. **ECF System:**

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21 [x] b. **United States mail, postage fully prepaid:**

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